

REMARKS

The above-captioned patent application has again been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claim 1 has been further amended in an effort to further clarify and distinctly describe the combination claimed herein. Claims 15-40 and 61-74 have been canceled.

Each of Claims 15-40 and 61-73 were previously non-elected based on a Restriction Requirement. Therefore, Applicant reiterates their right to file divisional applications covering the subject matter of these and all other restricted claims and groups pertaining thereto.

Claims 1, 4, 6-12 and 74-76 are pending in the present application. All pending Claims 1, 4, 6-12 and 74-76 have also been rejected under 35 USC §112, 2nd paragraph, for indefiniteness issues. Applicant respectfully requests reconsideration with regard to Claims 1, 4, 6-12, 74 and 75 based on the amended Claim 1 as well as the following discussion. Claim 76 has been canceled and therefore the above rejection is considered moot with regard to this claim.

Applicant would like to gratefully acknowledge the allowability of the pending claims over the prior art of record.

As to the Section 112 rejections, Applicant has amended Claim 1 to cure the antecedent basis issue noted by the Examiner. In particular, Applicant would like to point out that the metering tips loaded into the auxiliary sample handler are sealed metering tips in that these are tips that have initially retained a quantity of sample fluid, such as from a primary sample handler resident on a clinical analyzer, by means of a metering mechanism. The tips are sealed using a sealing mechanism and are stripped from the sealing mechanism into appropriate tip retaining stations within the auxiliary sample handler. Claim 1 has been amended to more clearly point out that the tips that are sealed by the sealing mechanism are those that are employed by the tip stripping mechanism on the cover of the handler. Applicant has also deleted the "configured to retain" language with regard to the claims in an effort to more positively recite that liquid

is retained within the tip that is eventually sealed and stripped for retention and use by the auxiliary sample handler. In addition and as noted above, Claim 76 has now been canceled without disclaimer or prejudice. It is believed the claims are now in an allowable condition and withdrawal of this rejection is respectfully requested.


In summary and in view of the above amendment, Applicant believes the above-captioned application is now in a condition for allowance and an expedited Notice of Allowability is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, she is invited to contact Applicant's representative at the telephone number below.

It is believed that no fee is required for the filing of this correspondence. However, the Director is herein authorized to charge our Deposit Account No. 50-0289, if additional fees are required, and to credit any overcharges thereto.

Dated: August 3, 2007

Respectfully submitted,

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